

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

CHARLESTON DIVISION

TIMOTHY VANNOTE,

Plaintiff,

v.

CIVIL ACTION NO. 2:24-cv-00190

JACKSON COUNTY MAGISTRATE COURT, et al.,

Defendants.

ORDER

Pending before the Court are Plaintiff Timothy VanNote's ("Plaintiff") Complaint, (ECF No. 2), and Application to Proceed Without Prepayment of Fees and Costs, (ECF No. 1). By Standing Order, this matter was referred to United States Magistrate Dwane L. Tinsley for submission of proposed findings and a recommendation for disposition ("PF&R"). (ECF No. 3.) On January 17, 2025, Magistrate Judge Tinsley filed his PF&R, (ECF No. 6), recommending that this case be dismissed with prejudice pursuant to Rule 41(b) of the Federal Rules of Civil Procedure for failure to prosecute.

This Court is not required to review, *de novo* or under any other standard, factual or legal conclusions contained within the PF&R to which no objections were addressed. *Thomas v. Arn*, 474 U.S. 140, 150 (1985). Failure to file timely objections constitutes a waiver of *de novo* review and Plaintiff's right to appeal this Court's order. 28 U.S.C. § 636(b)(1); *see also Snyder v. Ridenour*, 889 F.2d 1363, 1366 (4th Cir. 1989); *United States v. Schronce*, 727 F.2d 91, 94 (4th Cir. 1984). In addition, this Court need not conduct a *de novo* review when a party "makes general

and conclusory objections that do not direct the Court to a specific error in the magistrate's proposed findings and recommendations.” *Orpiano v. Johnson*, 687 F.2d 44, 47 (4th Cir. 1982).

Objections to the PF&R in this case were due on February 3, 2025. (ECF No. 6.) To date, Plaintiff has not filed any objections, thereby waiving *de novo* review of Magistrate Judge Tinsley's PF&R. Accordingly, the Court **ADOPTS** the PF&R, (*id.*), and **DISMISSES** the action **WITHOUT PREJUDICE**, and **DENIES AS MOOT** Defendant's Application to Proceed Without Prepayment of Fees and Costs, (ECF No. 1).

IT IS SO ORDERED.

The Court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented party.

ENTER: February 10, 2025



THOMAS E. JOHNSTON
UNITED STATES DISTRICT JUDGE